

ECONOMIC DEVELOPMENT INFRASTRUCTURE APPLICATION
FISCAL YEAR 2005

FORWARD AN ORIGINAL AND TWO COPIES OF
THE FULL APPLICATION PACKAGE TO

THE DIRECTOR
ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS
401 ADAMS AVENUE
POST OFFICE BOX 5690
MONTGOMERY, ALABAMA 36103-5690

Attn: CDBG – ED Application

**ECONOMIC DEVELOPMENT INFRASTRUCTURE APPLICATION
ALABAMA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
Fiscal Year 2005**

- A.1.** Applicant: _____
(City/County Commission) (County)
- Mayor/Chairman: _____
- Applicant's Address: _____

- Phone: _____
- Contact Person: _____
- Address: _____

- Phone: _____
- FAX: _____
- e-mail address: _____
- A.2.** CDBG Funds Requested:
\$ _____
- A.3.** Check One
(Based on 2000 Census)
_____ Small City
_____ Large City
_____ County
- A.4.** 2000 Population

- A.5.** House District ____
Senate District ____
Congressional ____
- A.6.** Need(s) Addressed

- A.7.** Brief Description of the Project (location of the project, type of activities, number of jobs, etc.):

A.8. Checklist (Please check each item)

- _____ Cover letter properly executed by Chief Elected Official
- _____ Section A.9. properly executed
- _____ Application forms properly completed
- _____ B.7 Sources and Uses of Funds form properly completed
- _____ B.8 Community Assessment properly completed
- _____ Local Resolution authorizing Mayor/Chairman to file application
- _____ Resolution for local match
- _____ Form letter signed by the company and local official
- _____ Letter of Understanding signed by the company and local official
- _____ Certified Assurances properly executed
- _____ Appropriate map(s) showing location of the industry and proposed activities
- _____ Public Disclosure Form properly executed

A.9. Certifications:

- (a) A resolution passed by the City Council/ County Commission on _____ (date) has authorized the filing of this application by the Chief Local Elected Officer.
- (b) The public was informed about the local community development program including the proposed filing of this application in a public hearing held on _____ (date) at _____ (location).
- (c) The information presented in this application is true and correct to the best of my knowledge.
- (d) I certify that:
 - 1. The City/County will minimize displacement of persons as a result of activities with CDBG funds and will assist persons actually displaced as a result of such activities.
 - 2. The City's/County's program will be conducted and administered in conformance with Public Law 88-352 and Public Law 90-284, and the City/County will affirmatively further fair housing.
 - 3. The City/County has held a public participation hearing to obtain the views of citizens on community development and housing needs.
 - 4. The City/County has furnished citizens information concerning the amount of funds available for proposed community development and housing activities that may be undertaken including the estimated amount of funds proposed to be used for activities benefiting low and moderate income persons.
 - 5. The City/County has made available to the public a summary of the proposed project to afford affected citizens an opportunity to comment.
 - 6. The City/County is providing citizens with a reasonable access to records on past use of CDBG funds.
 - 7. The City/County will provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of CDBG funds.

8. The City/County will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing any amount against properties owned and occupied by persons of very low, low and moderate income. If a fee or assessment is required, the City/County will use CDBG funds to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than CDBG funds. The City/County through proper certification to the State may assess any amounts against properties owned and occupied by persons of moderate income who are not persons of very low or low income if the City/County lacks sufficient funds received under the CDBG program to pay those costs.
 9. The City/County is _____ is not _____ (please check one) delinquent on any State or Federal debt. (If the answer is "is", please attach an explanation.)
- (e) I further certify that the City/County is following a detailed Citizen Participation Plan which:
1. provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which Section 106 funds are proposed to be used, and in the case of a grantee described in Section 106(a), provides for participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;
 2. provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by regulations of the Secretary, and relating to the actual use of funds under this title;
 3. provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;
 4. provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities and review of program performance, which hearings shall be held after adequate notice, at

times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

5. provides for a timely written answer to written complaints and grievances, within 15 working days where practicable;
6. identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate; and
7. provides citizens with reasonable advance notice of, and opportunity to comment on, proposed activities not previously described in the community development application, and for activities which are proposed to be deleted or substantially changed in terms of purpose, scope, location, or beneficiaries.

Mayor/Chairman

(Date)

B.1. Project Summary

1. Name of the Company:
2. Product:
3. SIC Code:
4. Number of jobs to be created or retained:
5. ED dollars per job (ED dollars requested divided by number of jobs to be created or retained): \$_____
6. Local Match:
 - (a) Amount \$_____
 - (b) As % of CDBG Request _____ %

- B.2.** Give information about the company such as name; product; product market; if local or national firm; whether new, expanding, or relocating with reasons; current employment and payroll; labor skills required, etc.

- B.3.** Describe the company's plans in terms of land acquisition and site improvements, construction of plants and buildings, and purchase of equipment. Show estimated cost of each item together with source of financing, i. e., equity, bank financing, etc. (This is not to become part of the official budget, but it is to give the State a better understanding in order to evaluate the project.)

- B.4.** Describe the need of public infrastructure for the proposed project and show quantity and unit cost of all major cost items and proposed method of financing (i.e., ED grant, local match, ARC, EDA, etc.).

Note: All activities described here together with the location of the Company shall be clearly identified on a map.

- B.5.** Show the number of jobs (by job classification) that will be created or retained within 12 months of the beginning of the operations and for new jobs indicate how at least 51 percent of these jobs will be made available to persons of low and moderate income. Explain why the company and the local elected officials feel certain that 51 percent of jobs saved or created will be held by persons in low and moderate income households.

B.6. Describe any other considerations, such as potential for spin-offs, indirect benefits, urgency, etc.

B.7.**SOURCES AND USES OF FUNDS**
(Public Infrastructure)

Project Name:				
	SOURCES OF FUNDS			
Line Item Activity	ED Grant Funds	Local Match*	Other Funds (e.g., ARC EDA,ETC.)	Total
a. Acquisition/Relocation				
b. Street Improvements				
c. Water Facilities				
d. Sewer Facilities				
e. Drainage Facilities				
f. Other				
g. Other				
h. Other				
i. Subtotal by Source				
j. Professional Fees				
k. Administration				
l. Contingencies				
m. Total Cost by Source				

* Specify the source and whether cash or in-kind.

- B.8.** Assess briefly inadequacies associated with the housing and essential community development facilities including the needs of low and moderate income households in the applicant's jurisdiction. Essential community development facilities include water, sewer, street, drainage, and other facilities deemed important by the community. **(Limit assessment to no more than five text pages.)**

ATTACHMENTS

1. Local Resolution Authorizing Mayor/Chairman to File Application
2. Resolution for Local Match
3. Documentation for Any Other Match

Date _____

Director
Alabama Department of Economic and Community Affairs
P. O. Box 5690
Montgomery, AL 36103-5690

Dear Sir:

_____ (Company) _____ intends to (start-up, expand) and needs CDBG assistance in the amount of \$ _____ for _____ (activity) _____ to do so. We are applying to your office for this assistance.

We are fully aware that the primary objective of the CDBG program is to principally benefit persons of low and moderate income. As such, the company commits to create _____ new jobs or their part-time equivalents, and a majority of these will be reserved for low and moderate income persons as defined by the U.S. Department of Housing and Urban Development. (If job retention is involved, give number and reasons.) Furthermore, we understand that this definition varies by household size, as shown on the attached Employee Income Certificate for _____ County, and that we are responsible for documenting that the number of jobs to be created (or retained) will essentially be the same as that stated in the application from which the CDBG assistance was based. The proposed start-up, expansion by the company and the creation of jobs, unless otherwise authorized by ADECA, will be accomplished within 12 months from the completion of the ED Infrastructure improvements.

We are confident our estimates of the number of jobs to be realized from this project are correct, and we are certain a majority of our new (existing) employees will meet the low/moderate income guidelines. Nevertheless, we understand we will have to obtain certifications from all applicants (our existing workforce) to verify this information. We also agree to allow ADECA staff reasonable access to our company's payroll records as part of the verification process. In addition, we realize that if such certificates cannot be obtained, or if the information contained in the certifications or our payroll records illustrates that the jobs created do not substantially meet application estimates, or that a majority of the employees are not low and moderate income persons, that the costs attributable to this project may be ruled ineligible. If for some reason this happens, we realize (the unit of local government) will be subject to sanctions which may include the repayment of all CDBG funds expended.

Responsible Company Official/Title

Chief Local Elected Official/Title

INSERT SAMPLE FORM FOR EMPLOYEE INCOME CERTIFICATION FORM HERE

INSERT APPLICANTS FOR CDBG ASSISTANCE FORM HERE

**Alabama Community Development Block Grant Program
Economic Development Fund Letter of Understanding**

Instructions: Responsible officials of companies requesting assistance from the CDBG program and chief elected officials of cities or counties applying for these funds should carefully review the information below. This information is extracted from the language of some of the federal requirements that govern the use of these CDBG funds. This form, signed by both the private industry and the local government, must be included in the application for funds.

1. CDBG funds, as federal funds, are subject to a number of federal laws and regulations.
2. Before any CDBG funds are committed by local contract or otherwise obligated, environmental laws require that a formal environmental review be conducted and advertised and the State issue a **Notice of Removal of Grant Conditions**. This time frame for these required actions normally takes from 33 to 45 days.
3. For all construction projects (except housing rehabilitation), **prevailing wages** must be paid to workers and certain other labor standards must be complied with.
4. Under most all circumstances, **formal bidding** for materials and services is required. (for public work)
5. The primary beneficiaries of the grant (at least 51 percent) must be **low-and moderate-income persons** (as defined in Federal CDBG regulations). The applicant must document the proposed number and percent of beneficiaries who are low-and moderate income and describe how this was determined. When the project is completed, the grantee shall document the actual beneficiaries. This documentation will include a review of the recipient industry's payrolls and other records.
6. Grantees must establish a **record keeping system** which shows how it has complied with federal and state regulations, including financial management, procurement, equal opportunity, etc.
7. Any **acquisition of real property**, including acquiring easements, must be carried out through carefully prescribed procedures required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
8. **Local funds** used in a project with CDBG funds **are subject to the same laws and regulations as the CDBG funds**.
9. The CDBG dollars must leverage private investment.
10. The State may impose restrictions on the loan to assure that jobs and private investment committed in the application materialize within a specified time period.

.....
I have read the brief summary above and I generally understand that, because of the federal nature of these funds, their use or obligation is subject to several restrictions. I also understand that, if the project begins or is managed in violation of these federal laws and regulations, the project may be ineligible for funding from the State Community Development Block Grant program or funds may be required to be repaid to the State or federal government.

I also agree that, if it becomes apparent that implementing this project in a manner consistent with applicable regulations makes this project impractical, the project will be withdrawn without prejudice to any party.

Signature of responsible company official

Title

Date

Signature of Chief Elected Official

Title

Date

ALABAMA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CERTIFIED ASSURANCES

General Assurances

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval by the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating the prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of

OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead-based paint in the construction or rehabilitation of residential structures.
10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination Statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), as amended (P.L. 100-17) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the potential activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), The Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) regarding labor standards for federally assisted construction sub-Subts.

14. Will comply with the flood insurance purchase requirements of Section 102 (a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (c) notification of violating facilities pursuant to EO 11738; (d) protection of wetlands pursuant to EO 11990; (e) evaluation of flood hazards in flood plains in accordance with EO 11988; (f) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (g) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended, (42 U.S.C. 7401 et seq.); (h) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (i) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)
18. Will cause to be performed the required financial and compliance audits in accordance with Single Audit Act of 1984, as amended, and OMB Circular A-128.
19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

Special State Assurances

The applicant further assures and certifies that:

- (a) The proposed program benefits principally persons of low to moderate incomes, the latter being defined as persons in households having incomes at or below applicable income limits. Specifically the following percentages of low and moderate income beneficiaries serve as a minimum threshold depending on the type of project: 51% for public facilities activities and 100% for housing activities.

Programs should be designed so as to give maximum feasible priority to activities which will benefit low and moderate income families or aid in the prevention of slums and blight. However, a proposed program may include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious threat to the health or welfare of the community where other financial resources are not available to meet such needs.

- (b) If it has a previous Community Development Block Grant Program which has not been closed out, it will, if requested by the State, present the State with documentation to adequately demonstrate that it can expeditiously close out the previous program and manage a future program.
- (c) The local governing body accepts the responsibility for citizen comments and concerns related to the proposed program.

Anti-Displacement Assurance

As the duly authorized representative of the applicant, I certify that the applicant will comply with:

1. Section 104(d) of Title I of the Housing and Community Development Act of 1974, as amended. This provision, authorized by Section 509(a) of the Housing and Community Development Act of 1987, contains requirements for a residential anti-displacement and relocation assistance plan. Each State recipient must adopt, make public, and certify to the State that it is following a "residential anti-displacement and relocation assistance plan."
2. **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended through 1987, (Public Law 100-17, 101 Stat. 246-256). This provision extends Uniform Relocation Assistance coverage to any person (family individual, business, nonprofit organization or farms) displaced as a direct result of rehabilitation, demolition, or privately undertaken acquisition carried out for a federally assisted project or program.**

Certification For Contracts, Grants, Loans, And Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

9. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the

extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

10. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
11. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Certification Regarding Survey

If a survey to determine project beneficiaries was undertaken for the proposed project, such survey was conducted with full regard to obtaining accurate information. The City/County agrees that any evidence to the contrary could result in adverse consequences, including the repayment of grant funds.

Certification Regarding Excessive Force

In accordance with Section 519 of Public Law 101-140, (the 1990 HUD Appropriations Act), _____ certifies that it has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.

Mayor/Chairman

Date

CDBG DISCLOSURE REPORT

(Refer to Small City, Large City, and County Fund Application Guide for Instructions For Completion of Disclosure Report)

-
- | | |
|---|---|
| 1. Applicant/grantee name, address, and phone number. | 2. Indicate whether this is:
Initial Report _____
Update Report _____ |
|---|---|
- Federal employer identification number: _____
-

3. Project Assisted/to be Assisted.
- | | |
|---|-------------------------|
| a. Fiscal Year: _____ | |
| b. CDBG grant(s): _____ | CDBG grant (loan) _____ |
| c. Amount requested/received: | \$ _____ |
| d. Program income to be used with c. above: | \$ _____ |
| e. Total of c. and d: | \$ _____ |
-

PART II - THRESHOLD DETERMINATIONS

-
1. Is the amount listed at 3.e. (above) more than \$200,000?
- Yes _____ No _____
2. Have you received or applied for other HUD assistance (through programs listed in Appendix A of the Instructions) which when added to 3.e. (above) amounts to more than \$200,000? Yes _____ No _____

If the answer to either 1. or 2. of this Part is "yes", then you must complete the remainder of this report.

If the answer to both 1. and 2. of this Part is "no", then you are not required to complete the remainder of this report, but you must sign the following certification.

I hereby certify that this information is true.

Mayor/Chairman

Date

PART III - OTHER GOVERNMENT ASSISTANCE PROVIDED/APPLIED FOR

1. Provide the requested information for any other Federal, State, and/or local governmental assistance, on hand or applied for, that will be used in conjunction with the CDBG grant. (See Appendix A of the instructions)

Name & Address of Agency Providing or To Provide Assistance	Program	Type of Assistance	Amount Requested or Provided

PART IV - INTERESTED PARTIES

Alphabetical list of All Persons with a Reportable Financial Interest in the Project	Social Security Number or Employer ID Number	Type of Participation in Project	Financial Interest in Project \$ and %

PART V - EXPECTED SOURCES AND USES OF FUNDS

This Part requires that you identify the sources and uses of all assistance, including CDBG, that have been or may be used in the Project.

SOURCE	USE

PART VI - CERTIFICATION

I hereby certify that the information provided in this disclosure is true and correct and I am aware that any false information or lack of information knowingly made or omitted may subject me to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, I am aware that if I knowingly and materially violate any required disclosure of information, including intentional nondisclosure, I am subject to a civil money penalty not to exceed \$10,000 for each violation.

Mayor/Chairman

Date